

**MANDATE**

**United States Court of Appeals**  
FOR THE  
SECOND CIRCUIT  
**JUDGMENT**

SDNY / NYNY  
96-cv-8414  
Motley

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC#**  
**DATE FILED:**

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 17<sup>th</sup> day of August thousand and six.

Before: Hon. Reena Raggi,  
Hon. Richard C. Wesley,  
*Circuit Judges,*  
Hon. Christopher F. Droney,  
*District Judge.\**

Docket No. 03-9062-cv

ELSA GULINO, MAYLING RALPH and PETER WILDS, on behalf of themselves and all others similarly situated,

*Plaintiffs-Appellants,*

NIA GREENE,

*Plaintiff,*



NEW YORK STATE EDUCATION DEPARTMENT,

*Defendant-Cross-Defendant-Appellee,*

BOARD OF EDUCATION OF THE NEW YORK CITY SCHOOL, DISTRICT OF THE CITY OF NEW YORK,

*Defendant-Cross-Claimant-Appellee.*

Appeal from the United States District Court for the Southern District of New York.

The Honorable Christopher F. Droney, Judge of the United States District Court for the District of Connecticut, sitting by designation.

Issued as Mandate:

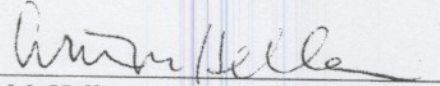
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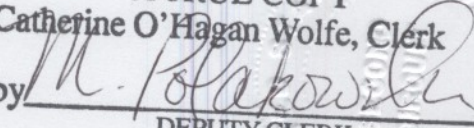


This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said District Court be and it hereby is AFFIRMED in part, VACATED in part, and the case is REMANDED for further proceedings in accordance with the opinion of this Court.

FOR THE COURT:  
ROSEANN B. MACKECHNIE, Clerk  
by

  
Arthur M. Heller  
Motions Staff Attorney

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by   
DEPUTY CLERK

